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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
GARY JAMES ROLLER,)
)
Defendant.)

No. CR 08-00361 RMW

**STIPULATION AND [PROPOSED]
ORDER CONTINUING STATUS
CONFERENCE FROM AUGUST 18,
2008 TO SEPTEMBER 15, 2008 AND
EXCLUDING TIME FROM AUGUST
18, 2008 THROUGH SEPTEMBER 15,
2008, FROM CALCULATIONS UNDER
THE SPEEDY TRIAL ACT (18 U.S.C. §
3161)**

The parties hereby request that the Court enter this order excluding time from August 18, 2008 through September 15, 2008. The parties, including the defendant, stipulate as follows:

1. The defendant understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18 U.S.C. § 3161, for the period from August 18, 2008 through September 15, 2008 based upon the need for the defense counsel to investigate further the facts of the present case and determine what, if any, motions are appropriate. The government has produced discovery in this case and the defense counsel and defendant require additional time to review and analyze this discovery. A status conference will not be meaningful until after defendant

1 and defense counsel has had an opportunity to complete their investigation. The parties agree
 2 that the status conference currently scheduled for August 18, 2008 and should be continued to
 3 September 15, 2008 at 9 a.m. Moreover, government counsel will be unavailable on August 18,
 4 2008.

5 2. The attorney for defendant joins in the request to exclude time under the Speedy Trial
 6 Act, 18 U.S.C. § 3161, for the above reasons, and believes the exclusion of time is necessary for
 7 effective preparation of the defense; believes the exclusion is in the defendant's best interests;
 8 and further agrees that the exclusion under the Speedy Trial Act, 18 U.S.C. § 3161, should be for
 9 the period from August 18, 2008 through September 15, 2008.

10 Given these circumstances, the parties believe, and request that the Court find, that the
 11 ends of justice are served by excluding from calculations the period from August 18, 2008
 12 through September 15, 2008 outweigh the best interests of the public and the defendant in a
 13 speedy trial under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

14 IT IS SO STIPULATED.

15 DATED: 7/23/08

/s/ Richard Pointer
 RICHARD POINTER

18 DATED: 7/23/08

/s/ Hanley Chew
 HANLEY CHEW
 Assistant United States Attorney

20 [PROPOSED] ORDER

21 Having considered the stipulation of the parties, the Court finds that: (1) the defendant
 22 understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18
 23 U.S.C. § 3161, from August 18, 2008 through September 15, 2008, based upon the need for the
 24 defense counsel to investigate further the facts of the present case, review the discovery that the
 25 government has already provided and evaluate further possible defenses and motions available to
 26 the defendant; (2) the exclusion of time is necessary for effective preparation of the defense and
 27 is in the defendant's best interests; and (3) the ends of justice are served by excluding from
 28

1 calculations the period from August 18, 2008 through September 15, 2008.

2 Accordingly, the Court further orders that (1) the status conference set for August 18,
3 2008 is vacated and that the next appearance date before this Court is scheduled for September
4 15, 2008 at 9:00 a.m.; and (2) the time from August 18, 2008 through September 15, 2008 is
5 excluded from time calculations under the Speedy Trial Act, 18 U.S.C. § 3161.

6
7 IT IS SO ORDERED.

8
9 DATED: _____

THE HONORABLE RONALD M. WHYTE
United States District Court Judge